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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,562	08/03/2001	Paul D. Arling	81230.64US1	9469
34018	7590	02/07/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			NATNAEL, PAULOS M	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/922,562

Applicant(s)

ARLING, PAUL D.

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-66 is/are allowed.
- 6) ☒ Claim(s) 43-53, 67, 69, 70, 72-74 is/are rejected.
- 7) ☒ Claim(s) 68 and 71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 43-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al., U.S. Pat. No. 6,633,281.

Considering claim 43,

a) a function key actable to command one or more functions of a plurality of different appliances, is met by the basic button set 20, fig.1.

b) a plurality of device keys actuatable to select one of the plurality of different appliances as an appliance to be commanded upon actuation of the function key, is met by the main menu (fig.2) which comprises a plurality of buttons for a plurality of devices VCR, DVD, TV, CD, etc.

c) a device type indicator visually associated with the function key for indicating to a user which one of the plurality of different appliances was selected to be commanded

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upon actuation of the function key, is met by the indicator "TV" on Fig.3. (see col. 4, lines 28-38)

Considering claim **44**, (New) the controlling device as recited in claim 43, wherein the function key comprises a hard key., is met by button set 20, fig.1;

Considering claim **45**, (New) The controlling device as recited in claim 44, wherein the plurality of device keys comprise soft keys displayed using a touch screen, is met by device key for TV, CD, etc. Fig.2 which are soft keys.

Considering claim **46**, The controlling device as recited in claim 45, wherein the device type indicator is displayed in the touch screen in a location visually linked to the hard key, is met by indicator "TV", fig.3;

Considering claim **47**, (New) The controlling device ms recited in claim 43, wherein actuation of the function key commands an appliance volume function, is met by volume keys 28 and 27 in the basic button set 20, fig.1;

Considering claim **48**,(New) The controlling device as recited in claim 43, wherein actuation of the function key commands an appliance **tuning function**, is met by "Ch+", Ch-" buttons 25 and 26, respectively, fig.1;

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Considering claim **49**, (New) The controlling device as recited in claim 43, wherein the function key includes indicia representative of the one or more functions to be commanded upon actuation of the function key, is met by indicia of the basic button set, fig.1;

Considering claim **50**, (New) The controlling device as recited in claim 43, wherein the device type indicator comprises alphanumeric symbols, is met by "AMP1" and AUX1" fig.2;

Considering claim **51**, (New) The controlling device as recited in claim 43, comprising programming for allowing a user to lock the function key such that actuation of the function key will command one or more functions of the selected one of the plurality of different appliances without regard to subsequent actuations of the plurality of device keys, is met by the learning functions, figs.11-14.

Considering claim **52**, (New) The controlling device as recited in claim 43, wherein the plurality of device keys are made available for actuation upon a user placing the controlling device into a setup mode, is met by the menu setup (figs.2 and 5);

Considering claim **53**, (New) ne controlling device as recited in claim 52, wherein the device type indicator comprises a soft key having visual indicia representative of the one of the plurality of different appliances which will be commanded upon actuation of

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the function key and the setup mode is entered upon the user actuating the soft key, is met by fig.2 which illustrates the "MAIN" menu comprises soft key that include indicial of the plurality of different appliances such as the VCR, DVD, Sat, AMP1, CD, TV, etc.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **67,69-70,72-74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al., U.S. Pat No. 6,633,281.

Considering claim **67**, A controlling device, comprising:

a) a plurality of function keys including a first group of function keys actuatable to command volume functions of a plurality of different appliances and a second group of function keys actuatable to command tuning functions of a plurality of different appliances, is met by buttons 25-28, fig, 1;(see col. 4, lines 28-38)

b) a plurality of device keys actuatable to select one of the plurality of different appliances as an appliance to be commanded upon actuation of the first group of function keys and actuatable to select one of the plurality of different appliances as an

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appliance to be commanded upon actuation of the second group of function keys, is met by Fig.2;, which illustrates the “main” menu showing the device keys for device types TV, VCR, DVD, etc.

c) a first device type indicator visually associated with the first group of function keys to indicate to a user to which one of the plurality of different appliances was selected to be commanded upon actuation of a function key selected from the first group of function keys, is met by the “TV” button, fig.3, which is associated with ch-,ch+, <vol, vol>, Fig.1;

except for;

d) a second device type indicator visually associated with the second group of function keys for indicating to a user which one of the plurality of different appliances was selected to be commanded upon actuation of a function key selected from the second group of function keys.

Regarding d), Lin et al do not disclose a second device indicator visually associated with a second group of function keys. However, Lin et al discloses indicating to a user which one of the plurality of different appliances was selected to be commanded when a function key is selected from the second group of function keys by using only the “TV” button as shown in fig.3. For other device types, Lin et al teach that when pressed each of these device-type keys (VCR, DVD, AMP1, etc.) the system would display a menu which can be considered a second device indicator associated with a second group of function keys. Therefore, it would have been obvious to the

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skilled in the art to utilize the "TV" etc. soft key to indicate a volume and tuning function and other functions, i.e, using only one device type indicator instead of two different indicators, in order to make the remote controller less crowded and more efficient in design.

As for claim 69. (New) The controlling device as recited in claim 67, wherein the function keys comprise hard keys, is met by basic button set 20, fig.1;

Claim 70. (New) The controlling device as recited in claim 69, wherein the plurality of device keys comprise soft keys displayed using a touch screen, is met by soft keys in touch screen 11, fig. 3.

Considering claim 72. (New) The controlling device as recited in claim 67, wherein each of the function keys includes indicia representative of one or more functions to be commanded upon actuation of the function key, is met by "TV" , fig.3;

Regarding Claim 73. (New) the controlling device as recited in claim 67, wherein the first device type indicator and the second device type indicator each comprises alphanumeric symbols, is met by "AMP1" and AUX1" fig.2;

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Regarding claim 74. (New) The controlling device as recited in claim 67, wherein the plurality of device keys are made available for actuation upon a user placing the controlling device into a setup mode, is met by the menu setup (figs.2 and 5);

Allowable Subject Matter

5. Claims **54-66** are allowable over the prior art.
6. Claims **68,71** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a controlling device comprising: a first plurality of device type keys corresponding to devices the first control group of keys may be set to control upon selection of one of the first plurality of device type keys; a second plurality of device type keys corresponding to devices the second control group of keys may be set to control upon election of one of the second plurality of device type keys; and wherein the first plurality and the second plurality of device type keys are soft keys, as in claim **54**; displaying a second device type indicator contemporaneously with the first device type indicator, wherein the second device type indicator indicates a device type a second control group of keys is set to control, as in claim **58**; causing a display to contemporaneously display the first device type indicator, the second device type indicator, and a master mode indicator, wherein the master mode indicator indicates in which mode the remote control is set, as in claim **42**; a third device type indicator for

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indicating to a user which one of the plurality of different appliances will be commanded upon actuation of a function key other than a function key selected from the first group of functions keys and the second group of function keys, as in claim 68; wherein the first device type indicator is displayed in the touch screen in a location visually linked to the first group of function keys and the second device type indicator is displayed in the touch screen in a location visually linked to the second group of function keys, as in claim 71.

Response to Arguments

8. Applicant's arguments filed 8/20/04 have been fully considered but they are not persuasive.

Applicant's Arguments

Turning to Lin (U.S. Patent No. 6,633,281), which is representative of the references of record, there is illustrated and described a controlling device that includes a function key with indicia that informs a user of the function that will be commanded when that function key is actuated, e.g., "ch+" or "ch-" which function keys will command tuning functions of an appliance when actuated. However, when such function keys are capable of commanding a function in a plurality of different appliances, e.g., two or more of TV1, TV2, cable box, and VCR, a user of a Lin-type controlling device is not able to discern from the indicia provided to the function key, e.g., from the "ch+" or "ch-" markings, which one of the plural different appliances will, in fact, be commanded when that function key is actuated, i.e., which of TV1, TV2, cable

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box, or VCR is the intended target of the tuning command. Thus, controlling devices such as described and illustrated in Lin suffer the very problem that is overcome by the invention set forth in claims 43 and 67, and the claims which depend thereon....That Lin fails to disclose, teach, or suggest these claim elements is evident.

Examiner Response

When a function key such as for TV, CD, DVD, or VCR is actuated, a menu of the corresponding device appears as shown in the Fig.3 (for TV) in the display part of the remote control (fig.1). Thus the viewer can readily discern which one of the plural different appliances will, in fact, be commanded. The argument is therefore unpersuasive.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN
January 28, 2005



PAULOS M. NATNAEL
PATENT EXAMINER